TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE Transcriber's Office FLOOR DEBATE

January 18, 2002 LB 712

"may" rather than "shall". It's not a firm rule up there, but I believe it's a practice rule or a practice at this time that they do observe. What I would suggest to be done here is let's move the bill to Select File. I'm just going to sit on it. If the case gets determined then we'll go and try to harmonize. There's several sections out there in a variety of areas. It's not just revenue. It's all over. We'll...we'll make an attempt at that point in time to go out and try to harmonize and find some other sections and see if the body wants to do that at that point in time. What this is, a narrow...this is electronic funds. It's just the most innocuous section I could find to make that change but to have this ready to go if we need to do it. I'd be happy to answer any questions, Mr. President. Thank you.

SENATOR CUDABACK: You heard the opening on LB 712, offered by Senator Kristensen. Open for discussion. Senator Kristensen, there are no lights on. Did you wish to clo...I'm sorry, Senator Beutler, your light did come on. Senator Beutler.

SENATOR BEUTLER: Senator Kristensen, just a quick observation and maybe a question if you want to comment. But we passed a bill last year that had to do with optometrists and with the purchasing of lenses through the mail from Internet sources and, in my opinion, there were several ambiguities and places where interpretation was...was going to be necessary on the part of the...of the state agency, and the state agency has simply chosen not to have rules and regulations. Now, I suppose there's a...the question of their judgment versus my judgment, but also there are a lot of optometrists out there and also people with the mail order firms who are thinking they want some guidance on some of these things, but the agency, at least far, doesn't want to issue rules and regulations. That seems to me to be an enormous problem in the sense that if there are matters for interpretation out there and they're not willing to...to try to give some guidance, we're going to end up with more cases in the court system. So I was just interested in...in how you think we approach this problem. If we don't say you shall make the rules and regulations, and then you come to cases where they just don't want to face up to the task, what's...what's the balance in the system here? I'm...I'm just